

## **I. Lenn RESOURCES**

### **A. County Resources:**

Glenn County has historically devoted approximately 3.2 positions (5,760 man-hours) per year to the Pesticide Enforcement Program. FY 2005/06 has seen a new Biologist I starting work in June of 2006. This will reduce the number of experienced staff available to complete 2006/07 goals.

- Asset Allocation: at this time is equal to last years.
- Workload Expectation: will be equal to our 2005/06-work plan with the possible exception of not being able to complete three focused activities. Workload expectations include: 50 property operator and 40 pest control business application inspections, 5 structural and 5 field worker inspections, 30 property operator and 30 pest control business mix/load inspections, 5 commodity and 5 field fumigation inspections, 30 headquarter inspections, 3 dealer, 3 pest control operator and 10 advisor record inspections and a minimum of 5 % pre-application site inspections at an estimated 235 inspections.
- Expected Program Changes: we are seeing orchard crop acreage increasing in the County therefore we will shift some focuses from field crops (mostly rice) to the orchard crops for compliance criteria. The Rice Water Hold program is still a priority but applications of the pesticides of concern are not as prevalent due to reduced acreage and material use.

### **B. Corrective Actions:**

- No corrective actions were documented in the previous Effectiveness Evaluation. Areas for possible review are: non-compliance history documentation and inspection follow-up, recording reasons for waiver of 24-hour Notice of Intent (NOI), capturing all information required on NOI (pest control business or certificate number of grower, expiration date of certificate of responsible person supervising material and application).

## **II. CORE PROGRAM ACTIVITIES**

### **A. Restricted Material Permitting:**

#### **1. Permit Evaluation and Guidance**

- Licensed personnel review the restricted material permits (RMPs) with the grower/permit applicant. Last year Glenn County issued over 789 RM permits and denied 0 permits. Glenn County uses an "Ag-GIS" mapping program to manage pesticide applications, evaluate environmental concerns, identify and mitigate pesticide use for crop/pesticide specific sites identified on permits. This process integrates GIS (Geographic Information System) as a component of Permit issuance. It provides site-specific environmental data during permit issuance, it allows for site

creation and extension of the field borders plus the ability to edit the fields. It creates a map with field border data that allows visual interaction with the grower who can overview, discuss, change and utilize the map. Staff record the data electronically and print a hard copy to be filed in each grower's pesticide use file. A variety of data are used to inform the permittee of specialized requirements associated with the pesticides, crops and circumstances the material is being applied. These include label directions, special use instructions, environmental concerns such as endangered species bulletins, buffer zones requirements, personal protective equipment requirements, notice of intent requirements, etc. We have developed a check off list to aid the inspector in his/her review of data. The data sheet is reviewed and updated on a yearly basis or as relevant information becomes available. Notices of intent are taken at the time of permit issuance or at the time it is appropriate to apply the material. Notices of intent are either phoned in directly to staff or recorded on a phone recorder. Licensed staff review the NOIs and either approve or deny the application. NOIs are recorded in a book with all of the essential elements being captured as required by regulation. Both approved and denied NOIs are recorded in the NOI book. The Deputy periodically reviews NOIs for completeness and accuracy. Last year over 2,899 NOIs were reviewed and to date 6 were denied.

- Biologist's permit issuance decisions are assessed according to directed state and county guidelines. Training is conducted to review appropriate information prior to permit issuance season. Monthly meetings are held with deputy and biologists to review and discuss process, issues and concerns. The assistant commissioner and deputy commissioner randomly review completed permits for accuracy and completeness. The DPR Enforcement Branch Liaison (EBL) also reviews permit files for accuracy, consistency and completeness as part of the county's yearly performance evaluation. If a problem or concern is discovered, the deputy or assistant discuss the concern with the biologist and works with the biologist to fix the problem. Newly defined hazards are mitigated by addressing established guidelines and programs developed by U.S. EPA, DPR and County Agricultural Commissioners. Also, the County usually develops a document (handout) that defines the hazard and how to mitigate it. This is shared with the permittee either at the time of permit issuance or when the NOI is given. Sometimes we mail the document or we will share it at workshops.
- Episode investigations are evaluated for previously unidentified hazards. Management reviews the investigation for timeliness, accuracy, follow through and possible unidentified hazards. DPR investigative training programs have addressed this process as part of the investigation training information. We require all of our biologists to receive this training.

- Goals and Objectives:
  - The goals of Glenn County are to fulfill the requirements of Federal, State and County laws and regulations governing the sale and use of pesticides within the Commissioner's jurisdiction.
  - To regularly review and evaluate our program for weaknesses and strengths.
  - To implement change for the betterment of the program. To develop an extension module of the current Ag-GIS program to incorporate the NOI function with program implementation by July 1, 2007.
- Deliverables:
  - a. Tasks:
    - Evaluate all RM permits using appropriate laws, regulations and guidelines developed by the Department of Pesticide Regulation and County.
    - Use the Ag-GIS mapping program to help manage permit evaluations.
    - Use and review the "check off list" to aid the issuing Biologist in addressing all relevant evaluation requirements, including signing and dating each "check off list" and placing it in the permit file as part of the evaluation process.
    - Approve, condition or deny permits as needed.
    - Review permits for accuracy and completeness (develop check off list) (90% error free).
    - Evaluate and document all NOIs received.
    - Record all denied NOIs on the appropriate form and record on Pesticide Regulatory Activities Monthly Report (PRAMR).
    - Hold regularly scheduled meetings (nine per year) to review and discuss permit and correct problem areas evaluation guidelines.
  - b. Measures of Success:
    - Tasks are completed at an 80% free error rate.

## 2. Site Monitoring

- Sites will be monitored on the following criteria: toxicity of the material-category one materials are a first priority, environmental concerns i.e. endangered species, buffer zones, groundwater areas, water hold areas, concerns from previous years, Section 18 pesticides. The rice water hold program continues to be a high priority, with water hold compliance being an area of focus.

- Goals and Objectives:
  - Assure permit information and conditions are consistent with the application that is occurring.
- Deliverables:
  - a. Tasks:
    - The NOI received is accurate and complete.
    - The site on the permit is correct.
    - The material being used is on the permit and is registered.
    - Develop a record of non-compliance history in conjunction with the Ag-GIS permit mapping system. Completion date July 1, 2007
    - Integrate a pre-application site inspection form as a module of the Ag-GIS permit mapping program to give more accurate site information, save time, and address accuracy of material being used. Completion date July 1, 2007.
    - Conduct pre-application site rice monitoring seepage inspections (goal of 50 % of NOIs received).
    - Inspect 80% of methyl bromide field fumigations.
    - Inspect 100% of structural fumigations.
    - Inspect 25 % of phenoxy applications for cotton buffers, grape buffers, pistachio buffers.
    - Inspect propanil aerial applications within regulatory buffer zones and review acreage limitations.
    - Complete a minimum of 5% pre-application site inspections.
  - b. Measure of Success:
    - Reduction in the number of complaints received.
    - Reduction in the number of non-compliances noted from inspections.
    - Time lines met to integrate new modules.

**B. Compliance Monitoring;**

**1. Priority Investigations**

No priority episode investigations were received by Glenn County for the 2005/06 fiscal year.

- It is the Glenn County Department of Agriculture's policy and goal to initiate priority investigations within 2 days of receipt and complete the investigation within 120 days. Completed investigations will be submitted to DPR in a timely fashion (within 120 days of receiving). Additionally, we will submit a preliminary update on priority investigations to DPR within 15 days of initiation. Our investigation plan will include a list of suspected violations by element, it will list persons who need to be

interviewed, it will list types of samples to be collected, it will include a list of relevant evidence (i.e. RM permit, NOI, PUR, training records, diagrams, photos, samples etc.), it will list probable inspection activities, summarize the findings of fact, list persons who need to be provided with periodic updates, and address agreements with other agencies and legal mandates.

## **2. Routine Investigations:**

- The deputy delegates routine investigations/complaints to biologists. Our goal is to initiate the investigation within 2 days of receiving it and complete the investigation within 60 days of being notified of the incident. We use the same basic procedures and protocol as used for priority episode investigations. We conducted 4 investigations in 2005/06.
- We will measure our success by reviewing our tracking system along with our investigation worksheet. We will review timelines for returned/completed inspections and train staff in areas found to be deficient. The ability of staff to meet goals will be addressed on employee evaluations.

## **3. Inspections**

- Strategy: Inspections are conducted by staff on both a random basis and a focused basis as identified by the management team of the county and DPR. Management has developed basic inspection goals (numbers) for staff to complete on a yearly basis. Staff are assigned district responsibility for PUE monitoring and enforcement. This allows them to become familiar with pesticide use and cropping patterns in their district. It also increases their familiarity with environmental hazards that can be focused on (i.e. schools, wildlife areas, waterways). Some of staff's goals are focused and are identified from inspection records from previous years, which have identified problem areas or weaknesses. The use of Personal Protective Equipment (PPE) by grower employees is an area that shows several non-compliances. We will increase inspections in orchard crops and will consider possible increased enforcement actions for PPE violations. Employer Headquarter Inspections will be initiated within 30 days on 25% of all PPE non-compliance field inspections. Discussions with our DPR Enforcement Branch Liaison are also used to address statewide goals and concerns. Inspections will continue to be focused in areas where past inspections have identified increased non-compliances. Management will continue to review past inspection records to identify possible increased inspection areas.
- Our department uses a rotating schedule, and has a biologist on duty each weekend of the year. Our inspection hours are not confined to "eight to five", Monday through Friday. We perform inspections on an as-needed basis. Aerial applications around environmentally sensitive sites, rice

water drainage after appropriate number of hold days and methyl bromide fumigations are some of the priorities that have been identified for risk based inspections.

- Review Process: the deputy and the assistant review all inspection reports for accuracy, completeness and for further processing (enforcement actions). The monthly activity report, the PRMAR (formerly Report 5) is reviewed monthly and the yearly compilation of the PRMAR is reviewed for compliance areas of concern. The DPR senior also has input during the review process.
- Improvement Plan: Those areas of concern are addressed by increased inspections, focused activities, training, and discussions with the DPR senior about ways to improve, review of inspection procedure criteria, discussion at staff meetings, etc.

- Goals and Objectives:

- To maintain a high degree of industry compliance with pesticide laws and regulations.
- To assure that a random cross-section of the regulated community is inspected.
- To maintain a regulatory presence in the field.
- To conduct more inspections involving urban interface with agriculture.

- Deliverables:

- Management will perform at least one oversight inspection for each enforcement biologist per year.
- Increase focus on “urban/ag.” interface areas of inspection.
- Develop a non-compliance record for inspections to assure follow-up inspections occur when needed and appropriate enforcement action is taken.
- Review inspection reports for accuracy and completeness.
- Hold staff meetings to address areas of concern and uniform enforcement.
- See inspection number goals under (A) County resources.
- To identify repeat violators through our non-compliance record, to focus inspections in these areas to help bring these individuals into compliance.
- We will make available to our assigned Enforcement Branch Liaison a log that covers episode investigations not already reported or tracked as a priority episode investigation or pesticide illness. The log will include the following information:
  - County name;
  - Month;
  - Tracking number or file name;
  - Pesticide(s) involved in the episode;
  - Type of episode;

- Episode location within the county;
  - If violations were found;
  - Date investigation was closed.
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- Measures of Success:
  - Completion of above deliverables.

**C. Enforcement Response:**

1. **Violation history tracking:** currently inspection reports and enforcement actions are kept in a “blue folder” in each individual grower’s pesticide permit file for three years plus the current year. When a violation is noted during an inspection, the Biologist reviews the growers past history file for previous violations. This information is noted, recorded and discussed with the Deputy within (5) five days of the incident.
  2. **Review and Decision Process:** Once the Biologist has completed his/her review, the information is presented to the Deputy and a preliminary action plan is formulated as to what enforcement action could be taken. We will use the Enforcement Response Regulations (ERR) in the decision making process. A recommendation is made to the Commissioner or Assistant within 10 days of the incident for further processing. Actions, whether they are compliance or enforcement action are written by the Biologists. If no enforcement action is taken, a “written justification” is required from the Biologist in preparation of a Decision Report as required by the ERR.
  3. **Implementation Process:** Upon approval of the Commissioner or Assistant, enforcement action is/is not taken against the violator. When a civil penalty action is taken, the fine guidelines are followed in most cases. When fines are set lower than the fine guidelines, a justification is written into the action. Compliance and enforcement actions are to be completed and turned into the Deputy within fourteen (14) days of the decision to take the action. Additionally, the DPR EBL reviews all notices of proposed enforcement actions (NOPAs) prior to the NOPA being mailed to the respondent. Each NOPA is reviewed by the Assistant and signed by the Commissioner. The action is then mailed to the respondent, with copies sent to DPR and placed in the violator’s file. The Deputy follows-up on the enforcement action within the allotted time to secure grower/business compliance or response.
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- Goals and Objectives:
  - The goal of the enforcement response plan is to provide a timely, fair and consistent response to non-compliances (NCs); identify areas with high non-compliances; and gain a high degree (percentage) of compliance with regulations from the grower/business community.

- *Deliverables will be:*
- We will consider all appropriate enforcement options using the Enforcement response plan.
- We will use DPR's Citable Sections and Hearing Officer Source Book as resources and will apply the Fine Guidelines as appropriate.
- We will respond in a timely manner as indicated above.
- We will hold regular (minimum of 9 per year) PUE staff meetings.
- We will assure actions are sent out immediately upon signature of the Commissioner.
- The Deputy will maintain a list of pending or outstanding actions and non-compliances to assure actions are timely and completed.
- A recap of our schedule is:
  - 1). First- the Deputy and Biologist review inspection report with NC and appropriate documents within 5 days of inspection.
  - 2). Second- an enforcement recommendation with supporting documentation is developed by the Biologist and deputy within 10 days of initial review.
  - 3). Third- the Deputy and Biologist discuss the enforcement response recommendation with Commissioner. The action is to be completed within 14 days of the Commissioners approval.
  - 4). Fourth- the document is forwarded to the DPR EBL for review. We will wait 7-10 days to receive the EBL's comments before proceeding.
  - 5). Fifth- the Commissioner signs the final document, which is mailed the same day. The Deputy completes the appropriate sections of the DPR Pesticide Enforcement/Compliance Action Summary data entry form and files the office copy. For enforcement actions a copy will be sent to DPR with the PRAMR.
  - 6). Sixth- the Deputy reviews the enforcement action pending list at staff meetings for timeliness and completeness.



- *Measure of Success:*
- Completion of the above goals within allotted time lines.
- A good performance evaluation by DPR.
- No investigative reports returned for incompleteness or inaccuracies.